

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

| | | |
|--|---|-------------------------------|
| In re |) | |
| |) | Chapter 11 |
| 24 HOUR FITNESS WORLDWIDE, INC., <i>et</i> |) | |
| <i>al.</i> , |) | Case No.: 20-11558 (KBO) |
| |) | |
| Debtors. |) | (Jointly Administered) |
| _____ |) | |
| |) | |
| 24 HOUR FITNESS WORLDWIDE, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| CONTINENTAL CASUALTY COMPANY; |) | Adv. Proc. No. 20-51051 (KBO) |
| ENDURANCE AMERICAN SPECIALTY |) | |
| INSURANCE COMPANY; STARR SURPLUS |) | |
| LINES INSURANCE COMPANY; ALLIANZ |) | |
| GLOBAL RISKS US INSURANCE |) | |
| COMPANY; LIBERTY MUTUAL |) | |
| INSURANCE COMPANY; BEAZLEY- |) | |
| LLOYD'S SYNDICATES 2623/623; ALLIED |) | |
| WORLD NATIONAL ASSURANCE |) | |
| COMPANY; QBE SPECIALTY INSURANCE |) | |
| COMPANY; and GENERAL SECURITY |) | |
| INDEMNITY COMPANY OF ARIZONA, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

ORDER APPROVING NINTH AMENDED STIPULATION

Upon consideration of the *Ninth Amended Stipulated Scheduling Order* (the “Stipulation”) submitted by the above-captioned parties (collectively, the “Parties”), and the Court having reviewed the Stipulation, it is **HEREBY ORDERED THAT:**

The Stipulation, in the form attached hereto as Exhibit A, is approved and shall constitute the Order of this Court.

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

| | | |
|--------------------------------------|---|------------------------------|
| In re: |) | |
| |) | Chapter 11 |
| RS FIT NW LLC, |) | |
| |) | Case No. 20-11568 (KBO) |
| Debtor. |) | |
| |) | (Jointly Administered) |
| |) | |
| 24 HOUR FITNESS WORLDWIDE, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| CONTINENTAL CASUALTY COMPANY; |) | Adv. Pro. No. 20-51051 (KBO) |
| ENDURANCE AMERICAN SPECIALTY |) | |
| INSURANCE COMPANY; STARR SURPLUS |) | |
| LINES INSURANCE COMPANY; ALLIANZ |) | |
| GLOBAL RISKS US INSURANCE COMPANY; |) | |
| LIBERTY MUTUAL INSURANCE COMPANY; |) | |
| BEAZLEY-LLOYD’S SYNDICATES 2623/623; |) | |
| ALLIED WORLD NATIONAL ASSURANCE |) | |
| COMPANY; QBE SPECIALTY INSURANCE |) | |
| COMPANY; and GENERAL SECURITY |) | |
| INDEMNITY COMPANY OF ARIZONA, |) | |
| |) | |
| Defendants. |) | |
| |) | |

NINTH AMENDED STIPULATED SCHEDULING ORDER

WHEREAS, the above-captioned parties have conferred concerning the above-captioned adversary proceeding's (the "Adversary Proceeding") deadlines and schedule. The parties agree that certain amendments and modifications to the Eighth Amended Stipulated Scheduling Order [D.I. 223], are necessary to promote the efficient and expeditious disposition of the Adversary Proceeding.

THEREFORE, the parties stipulate and agree to amend the Eighth Amended Stipulated Scheduling Order as follows:

1. Expert Discovery Cut-Off: All expert discovery, including depositions, will be completed on or before August 25, 2023.

2. Dispositive Motion Deadline: Pursuant to Rule 7007-1 of the Local Rules for the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), the following deadlines shall apply to the filing and briefing of dispositive motions:

- a. All dispositive motions shall be filed and served by no later October 20, 2023.
- b. Opposition papers shall be filed and served by December 8, 2023.
- c. Reply papers shall be filed and served by January 12, 2024.

3. Motion to Withdraw the Reference: Defendants may renew their motion to withdraw the reference of this Adversary Proceeding pursuant to 28 U.S.C. § 157(d) on or before October 13, 2023. Plaintiff reserves all rights to object to any such renewal that Defendants may file, including, but not limited to, objections based on contractual language and, generally, objections to any asserted grounds for withdrawal of the reference.

4. For the avoidance of doubt, all other provisions and deadlines set forth in the Scheduling Order (D.I. 66) shall remain in full force and effect, with the exception of the foregoing deadlines addressed herein.

Dated: September 19, 2023

Respectfully submitted,

DLA PIPER LLP (US)

/s/ Matthew S. Sarna
Matthew S. Sarna (Bar No. 6578)
1201 North Market Street, Suite 2100
Wilmington, DE 19801-1147

302.468.5700
302.394.2341 (Fax)
Email: matthew.sarna@us.dlapiper.com

Brett Ingerman (admitted *pro hac vice*)
DLA PIPER LLP (US)
The Marbury building
6225 Smith Avenue
Baltimore, MD 21209-3600
410.580.3000
410.580.3001 (Fax)
Email: brett.ingerman@us.dlapiper.com

*Attorneys for Continental Casualty
Company*

REED SMITH LLP

/s/ Mark W. Eckard
Mark W. Eckard (No. 4542)
1201 North Market Street, Suite 1500
Wilmington, DE 19801
(302) 778-7500
(302) 778-7575 (Fax)
meckard@reedsmith.com

David E. Weiss (admitted *pro hac vice*)
T. Connor O'Carroll (admitted *pro hac vice*)
101 Second Street, Suite 1800
San Francisco, CA 94105-3659
(415) 543-8700
(415) 391-8269 (Fax)
dweiss@reedsmith.com
cocarroll@reedsmith.com

*Counsel for Plaintiff 24 HOUR FITNESS
WORLDWIDE, INC.*

HOGAN McDANIEL

/s/ Garvan F. McDaniel
Garvan F. McDaniel (No. 4167)
1311 Delaware Avenue
Wilmington, DE 19806
(302) 656-7596
(302) 656-7599 (Fax)
gfmcdaniel@dkhogan.com

Benjamin W. Loveland (admitted *pro hac vice*)

**WILMER CUTLER PICKERING
HALE AND DORR LLP**

60 State Street
Boston, MA 02109
(617) 526-6641
benjamin.loveland@wilmerhale.com

Lauren R. Lifland (admitted *pro hac vice*)

**WILMER CUTLER PICKERING
HALE AND DORR LLP**

7 World Trade Center
250 Greenwich Street
New York, NY 10007
(212) 230-8800
lauren.lifland@wilmerhale.com

Counsel to Endurance American Specialty Insurance Company; Starr Surplus Lines Insurance Company; Allianz Global Risks US Insurance Company; Certain Underwriters at Lloyd's of London subscribing to Policy No. W27C0A190101; incorrectly sued as "Beazley-Lloyd's Syndicates 2623/623"; QBE Specialty Insurance Company and General Security Indemnity Company of Arizona

**GELLERT SCALI BUSENKELL &
BROWN, LLC**

/s/ Michael Busenkell

Michael Busenkell (DE No. 3933)
1201 N. Orange Street, Suite 300
Wilmington, DE 19801
(302) 425-5812
mbusenkel@gsbblaw.com

Richard G. Haddad (admitted *pro hac vice*)

OTTERBOURG, P.C.

230 Park Avenue
New York, NY 10169-0075
(212) 661-9100
rhaddad@otterbourg.com

Counsel to Allied World National Assurance Company

Robert W. Fisher (admitted *pro hac vice*)
CLYDE & CO US LLP
271 17th Street NW, Suite 1720
Atlanta, GA 30363
(404) 410-3150
robert.fisher@clydeco.us

Counsel to Endurance American Specialty Insurance Company

Stacey S. Farrell (admitted *pro hac vice*)
Marlie McDonnell (admitted *pro hac vice*)
CLYDE & CO US LLP
271 17th Street NW, Suite 1720
Atlanta, GA 30363
(404) 410-3150
stacey.farrell@clydeco.us
marlie.mcdonnell@clydeco.us

Counsel to Allianz Global Risks US Insurance Company

Courtney E. Murphy (admitted *pro hac vice*)
Kyle M. Medley (admitted *pro hac vice*)
Adam S. Cohen (admitted *pro hac vice*)
HINSHAW & CULBERTSON LLP
800 Third Avenue, 13th Floor
New York, NY 10022
(212) 471-6200
cmurphy@hinshawlaw.com

Counsel to Starr Surplus Lines Insurance Company and Certain Underwriters at Lloyd's of London subscribing to Policy No. W27C0A190101, incorrectly sued as "Beazley-Lloyd's Syndicates 2623/623"

Matthew M. Burke (admitted *pro hac vice*)
ROBINS KAPLAN LLP
800 Boylston Street, Suite 2500
Boston, MA 02199
(617) 859-2711
mburke@robinkaplan.com

Douglas R. Gooding (admitted *pro hac vice*)

Jonathan D. Marshall (admitted *pro hac vice*)

CHOATE, HALL & STEWART LLP

Two International Place

Boston, MA 02110

(617) 248-5000

dgooding@choate.com

jmarshall@choate.com

*Counsel to Liberty Mutual Fire Insurance
Company*

Elizabeth Kniffen (admitted *pro hac vice*)

ZELLE LLP

500 Washington Avenue South, Suite 4000

Minneapolis, MN 55415

(612) 359-4261

ekniffen@zelle.com

*Counsel to QBE Specialty Insurance
Company and General Security Indemnity
Company of Arizona*